

2683 \$
41

Attorney Docket: 060258-0284104
Client Reference: 2990374US/A/HER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: SOININEN Confirmation Number: 8609
ET AL.
Application No.: 09/980,781 Group Art Unit: 2683
Filed: December 6, 2001 Examiner: S. Rampuria
Title: SELECTION OF MOBILITY AGENT IN ACCESS NETWORK

RESPONSE

Mail Stop Non-Fee Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
SEP 03 2004
Technology Center 2600

Sir:

In response to the Office Action dated May 19, 2004, please consider the following remarks support of the patentability of the pending claims included in the above-identified application.

The Office Action rejected claims 1-5 and 7-20 under 35 U.S.C. § 103(a) as being unpatentable over Barnes et al. (U.S. Patent No. 6,711,147; hereafter "Barnes") in view of Josse et al. (U.S. Patent No. 6,104,929; hereafter "Josse"). In addition, the Office Action rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Barnes and Josse in view of Frid et al. (U.S. Patent No. 6,137,791; hereafter "Frid").

Applicants traverse the prior art rejections because Barnes is not prior art to the present application and the remaining cited references, analyzed in the absence of Barnes, fail to disclose, teach or suggest all the features recited in the rejected claims.

The filing date of Barnes is June 15, 1999, which is later than the priority date of Applicants' Finnish Priority Document, application number FI 991297, filed June 7, 1999 (that date being perfected as a result of the concurrently filed Certified English Language Translation of the Priority Document).

Applicants note, however, that Barnes has benefit of the U.S. filing date of a provisional application (Serial No. 60/127,406, filed April 1, 1999). Nevertheless, as evidenced by the concurrently filed Affidavit and supporting documentary evidence,

Applicants conceived of the claimed invention prior to April 1, 1999 and acted with due diligence to file Applicants' Finnish Priority Document on June 7, 1999.

It should be understood that once the Inventors' invention report, dated March 18, 1999, was submitted to Nokia Corporation, it was subjected to an evaluation procedure within Nokia Corporation and sent to outside counsel for application drafting. The application was then drafted in cooperation with the Inventors and the priority application was finalized and filed as the Finnish application FI 991297 less than three months later, on June 7, 1999.

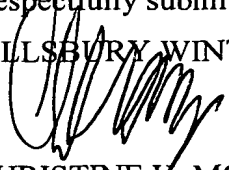
Therefore, Applicants have adequately provided the necessary statements and associated evidence to "swear behind" Barnes. Accordingly, Barnes is not prior art to the present application.

Moreover, the remaining references cited against the pending claims do not disclose, teach or suggest the features previously determined by the Office to be included in Barnes. Therefore, all prior art rejections are traversed.

All objections and rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
PILLSBURY WINTHROP LLP



CHRISTINE H. MCCARTHY
Reg. No. 41844
Tel. No. (703) 905-2143
Fax No. (703) 905-2500

Date: September 1, 2004
P.O. Box 10500
McLean, VA 22102
(703) 905-2000